

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 99 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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G S R T C

Versus

S T WORKERS UNION  
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Appearance:

MR HARDIK C RAWAL for Petitioner  
L.R. Pujari, AGP, for Respondent No. 1  
MR MH SHAIKH for Respondent No. 2  
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CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 30/11/2000

ORAL JUDGEMENT

The petitioner-corporation challenges the order of the Industrial Tribunal dated 19.7.1998 by which while confirming the guilt of the delinquent workman the

Tribunal set aside the order placing him in the original pay scale and substituted that punishment by order that his one increment is to be withheld with permanent effect.

2 The only charge for which the workman was held guilty was that he had allowed more passengers to travel in a bus than its permissible capacity. It was clearly found that there was no dishonest intention on the part of the conductor in carrying excess passengers in a bus which was engaged for a marriage party. Having regard to the facts and circumstances of the case the Tribunal found that the punishment imposed by the competent authority was grossly disproportionate. It was noticed that the record of the employee was clean and that the mistake on his part was a genuine one and therefore the punishment was reduced to stoppage of one increment. The Tribunal has acted in lawful exercise of its jurisdiction in making the impugned award warranting no interference by this Court. The petition is rejected. Rule is discharged with no order as to costs. Interim relief stands vacated.

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